

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In Re Plum Baby Food Litigation,

Case No. 4:21-cv-913-YGR

This document relates to: All Actions.

**SARAH BROWN, on behalf of herself and all
others similarly situated,**

Case 4:21-cv-04953-YGR

Plaintiff,

v.

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONSOLIDATE
ACTIONS UNDER
FED. R. CIV. P. 42(a)**

PLUM, PBC,

Defendant.

**** AS AMENDED BY THE COURT ****

WHEREAS, pursuant to the Consolidation Order entered by this Court on May 3, 2021 in this matter (the “Consolidated Action”), “[a]ny action subsequently filed, transferred or removed to this Court that the Court determines arises out of the same or similar operative facts as the Consolidated Action will be, with the Court’s approval, consolidated with the Consolidated Action for pre-trial purposes.” (Dkt. No. 18).

WHEREAS, Plaintiff Sarah Brown filed her complaint in *Brown v. Plum, PBC* (Case No. 21-4953-YGR) on June 28, 2021 and by Order dated July 15, 2021, the Court deemed *Brown* related to the Consolidated Action (Dkt. No. 77);

WHEREAS, Plaintiff Brown’s claims arise out of the same set of operative facts and assert similar legal claims against Defendant Plum, PBC (“Plum” or “Defendant”), with respect to heavy metals and Plum’s baby food products (the “Baby Foods”);

WHEREAS, Plaintiff Brown seeks, *inter alia*, injunctive relief, as well as monetary damages;

1 WHEREAS, Plaintiffs in the Consolidated Action and Plaintiff Brown agree that
2 consolidation of *Brown v. Plum, PBC* (Case No. 21-4953-YGR) with the Consolidated Action
3 under Fed. R. Civ. P. 42(a) is appropriate because they involve common questions of law and fact,
4 arise from the same events, name the same Defendant, and will involve substantially the same
5 discovery;
6

7 WHEREAS, Defendant consents to consolidation but preserves all defenses and arguments
8 and all parties stipulate that the fact of stipulation will not be used as grounds against any such
9 reserved defenses and arguments;

10 WHEREAS, consolidation under Rule 42(a) will eliminate duplicative discovery and the
11 possibility of inconsistent rulings on class certification, Daubert motions, and other pretrial matters,
12 and conserve judicial and party resources;

13
14 **NOW THEREFORE**, the parties through their respective counsel and subject to the
15 Court's approval hereby stipulate that:

16 1. The *Brown v. Plum, PBC* (Case No. 21-4953-YGR) matter is consolidated with the
17 Consolidated Action pursuant to Fed. R. Civ. P. 42(a);

18 2. The deadlines and procedures applicable to the Consolidated Action apply in
19 accordance with the Consolidation Order (Dkt. No. 18) and this Court's August 6, 2021 Order
20 setting filing deadlines (Dkt. No. 81); and
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22 3. All further papers shall be filed in the Consolidated Action.
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STIPULATED TO AND DATED this 10th day of August, 2021.

**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**

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**Attorneys for Defendants Plum, PBC and
Campbell Soup Company**

Dated: August __, 2021

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Clerk of Court shall administratively close the *Brown v. Plum, PBC* (Case No. 21-4953-YGR) matter.

Date: August 16, 2021


Yvonne Gonzalez Rogers, U.S.D.J.